

Appl. No. 09/851,066
Preliminary Amdt. dated July 14, 2006
Reply to final Office action of April 17, 2006

REMARKS/ARGUMENTS

Applicants received the final Office Action dated April 17, 2006, in which the Examiner: 1) rejected claims 1 and 22 under 35 U.S.C. § 101; 2) rejected claims 1-6, 8-13, 15-20 and 22 under 35 U.S.C. § 102(e) as being anticipated by Hadzikadic (U.S. Pub. No. 2002/0059202, hereinafter "*Hadzikadic*"); and 3) rejected claims 7, 14 and 21 under 35 U.S.C. § 103(a) as obvious over Hadzikadic in view of Gehrke (Tutorial notes of the fifth ACM SIGKDD international conference on Knowledge discovery and data mining, hereinafter "*Gehrke*").

With this Preliminary Amendment, Applicants cancel claims 1-22 and submit new claims 23-38. Applicants believe all claims to be in condition for allowance.

Claim 1 was a "method" claim. The Examiner contended that claim 1 defined a "sequence of operational steps that encompasses within its scope merely a set of mental manipulations" and thus lacked a "tangible result." New method claim 23 specifically states that "a processor" performs the various recited actions. In requiring a processor to perform the method actions, claim 23 is not directly to "mental manipulations" and thus does not lack a tangible result. Accordingly, Applicants believe claim 23 complies with the "statutory subject matter" requirement of 35 U.S.C § 101.

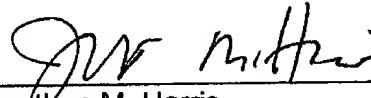
Claim 23 requires classifying a record using one of a first or a second classification tool. Per claim 23, the first classification tool is pre-computed and is used if the record comprises information for variables sufficient for use by the pre-computed first classification tool. If, however, the record cannot be classified by said first classification tool, then said processor builds a second classification tool to classify the record. Thus, the first classification tool is pre-computed and used if the record has sufficient information, whereas the second classification tool is built and used after determining that the first classification tool cannot be used. The art of record fails to teach or suggest a second classification as claims, that is, a classification tool that is built after determining that a pre-computed first classification tool cannot be used. For least this reason, claim 23 and its dependent claims are in condition for allowance.

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Claims 29-38 are allowable for the same or similar reason as claim 23.

Applicants respectfully request reconsideration and that a timely Notice of Allowance be issued in this case. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,



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